

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jeffrey Chaney, on behalf of himself,
and all others similarly situated,

Court File No.: 0-17-cv-01914-PAM-KMM

Plaintiff,

vs.

Blue Cross and Blue Shield of Minnesota,

Defendant.

**DEFENDANT'S MOTION TO DISMISS
PLAINTIFF'S AMENDED COMPLAINT**

TO: Plaintiff JEFFREY CHANEY, and his attorneys, Jordan M. Lewis, JORDAN LEWIS, P.A., 4473 N.E. 11th Avenue, Fort Lauderdale, Florida 33334 and Patrick J. Sheehan and Deborah J. Winegard, WHATLEY KALLAS, LLP, 1068 Virginia Avenue NE, Atlanta, Georgia 30306.

Defendant BCBSM, Inc. d/b/a Blue Cross and Blue Shield of Minnesota ("Blue Cross") respectfully moves the Court to dismiss plaintiff's First Amended Class Action Complaint on the grounds that plaintiff has failed to state a claim against Blue Cross upon which relief can be granted. This motion is brought pursuant to Rule 12 of the Federal Rules of Civil Procedure, and is based upon Blue Cross's memorandum of law, oral argument, supporting papers and the entire file and proceedings herein. Blue Cross will serve and file its memorandum and supporting papers in accordance with the Local Rules and the Court's Amended Order (Court Document 5).

Date: August 24, 2017

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